

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

LAUREL COPPOCK

v.

NATIONAL SEATING AND MOBILITY,
INC., PERMOBIL, INC., and
LINAK U.S., INC.

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CAUSE NO. 1-12-CV-953

PLAINTIFF'S MOTION FOR ENLARGEMENT OF TIME
TO FILE RESPONSE TO MOTION BY DEFENDANT LINAK US, INC.
FOR SUMMARY JUDGMENT

TO THE HONORABLE JUDGE SPARKS:

1. This is a suit for personal injuries and property damages, based on Texas law. Claims are based on various kinds of product liability. Jurisdiction of this court is based on diversity of citizenship.
2. LINAK US, INC. has moved for summary judgment pursuant to FRCP 56, alleging that it did not design, manufacture, sell, or distribute the product in question. The Motion was filed on March 4, 2015 at the end of the day. FRCP 56 does not provide a time in which a response to a Motion for Summary Judgment must be filed, but the local Rules of the Western District do provide such a time. Local Rule CV-7 (e) (2). FRCP 6 (d) extends the deadline three days, because service in this case was electronic under FRCP 5(b)(2)(E). The Response was due Saturday, March 21, 2015.
3. Plaintiff filed her initial Response to the Motion on March 19, 2015. The Response was incomplete, and the verification was not notarized. Counsel for Plaintiff had some technical difficulties with the creation of the document, and the notary upon whom counsel relies was

not available when needed, because she was ill.

4. The Clerk sent a Notice of Deficiency of the filing of Plaintiff's Response, on March 20, because the title included both a Response and a Motion for Leave to Amend Complaint. This deficiency is being remedied by the concurrent filing of a separate Motion for Leave to Amend.
5. The deficiency of the verification has been cured today, with the filing of an Amended Response to the Motion for Summary Judgment.
6. Plaintiff's counsel placed a call to counsel for LINAK US about this matter, but has not been successful today.
7. Plaintiff seeks the leave of the Court to file her Response to the Motion for Summary Judgment by LINAK US, INC.

PRAYER FOR RELIEF

Plaintiff respectfully requests that this honorable court GRANT this Motion for Enlargement of Time File Response to LINAK US' Motion for Summary Judgment, and for such other and further relief to which she may be entitled.

Respectfully submitted,

STEPHEN G. NAGLE
1002 West Avenue, First Floor
Austin, Texas 78701
(512) 480-0505 - Telephone
(512) 480-0571 - Facsimile
sgnagle@lawyernagle.com

By:

STEPHEN G. NAGLE, SBN 14779400
ATTORNEY FOR PLAINTIFF LAUREL COPPOCK

CERTIFICATE OF SERVICE

By my signature above, I certify that, on March 23, 2015, I have served all counsel of record electronically or by another manner authorized by Federal Rule of Civil Procedure 5 (b)(2).